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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/726,636	10/07/96	GLUCKSMAN	D 505-029

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21M1/1203

EXAMINER

NGUYEN, Q

ART UNIT	PAPER NUMBER
2106	3

DATE MAILED: 12/03/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/726,636**

Applicant(s)  
**Gluckman**

Examiner  
**Quan Nguyen**

Group Art Unit  
**2106**



☒ Responsive to communication(s) filed on Oct 7, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-17 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-17 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The drawing(s) filed on Oct 7, 1996 is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2106

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron in view of Pomper.

Cameron discloses an apparatus for heating water comprising a heating element 29 enclosed by a tubular metallic outer sheath. Cameron does not disclose the opening means, a washer, the grooves, or a thermostat. However, Pomper teaches the opening means 12 for fluid circulation, a washer for security pins, a thermostat Fig 4, 48, the grooves 66a, 66b, col 4, line 5. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a heating water apparatus of Cameron with the opening means, the grooves, a thermostat, and the security pins with washers as taught by Pomper for the purpose of preventing overheating of the heating element and providing protection for the heating elements.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coates, Sjoberg, UK 620,384 and DE 2951014 are cited to show heating devices having structure similar to that of the claimed invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quan Nguyen whose telephone number is (703) 305-2581.

Serial Number: 08/726636

Page 3

Art Unit: 2106



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SUPERVISORY PATENT EXAMINER  
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